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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,722	04/02/2004	Robert Mehrer	ACE-20107	9448
10361	7590	05/09/2005	EXAMINER	
ANTONY C. EDWARDS SUITE 800 - 1708 DOLPHIN AVENUE KELOWNA, BC V1Y 9S4 CANADA			PATEL, KIRAN B	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/815,722	MEHRER, ROBERT
Examiner	Art Unit	
Kiran B. Patel	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 August 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-18 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/11/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

### **Non-Final Rejection**

#### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim(s) 1-18, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim(s) 1, line 2, it appears that "a slide-out" should be "the slide-out" to provide proper antecedent basis.

Claim(s) 10, line 2, 3, it appears that "a camper" should be "the camper" to provide proper antecedent basis.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim(s) 1, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (2004/0066060) in view of Shea (2004/0160074) and Goodrich (4,834,452).

Regarding Claim(s) 1, 10, Rasmussen (2004/0066060) discloses the invention as claimed to include a slide-out 30 for mounting into the side of a camper 18 adapted so as to translate said slide-out laterally relative to the camper and above the side walls of a pickup truck when the slide-out is mounted into the camper and the camper is mounted into the bed of the pickup truck.

However, Rasmussen (2004/0066060) does not disclose at least one chair pivotably mounted on pivot means in said slide-out for pivoting between a first alignment aligned fore-and-aft along the camper so that user sitting in said chair faces fore or aft and a second alignment angularly pivoted by an angular displacement from said first alignment, at least one chair including means for selectively translating in a translation direction said chair from a rearward position wherein a back surface of said chair is closely adjacent a wall of said slide-out, and a forward position wherein said back surface of said chair has a clearance between

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it and said wall of said slide-out so that said chair may be pivoted between said first and second alignments without said back surface of said chair contacting said wall of said slide-out.

Shea (2004/0160074) discloses a chair 56 in a slide out.

Goodrich (4,834,452) discloses at least one chair 14 pivotably mounted on pivot means 40 in said slide-out for pivoting between a first alignment aligned fore-and-aft along the camper so that user sitting in said chair faces fore or aft and a second alignment angularly pivoted by an angular displacement from said first alignment, at least one chair including means 64 for selectively translating in a translation direction said chair from a rearward position wherein a back surface of said chair is closely adjacent a wall of said slide-out, and a forward position wherein said back surface of said chair has a clearance between it and said wall of said slide-out so that said chair may be pivoted between said first and second alignments without said back surface of said chair contacting said wall of said slide-out.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Rasmussen (2004/0066060), to include at least one chair pivotably mounted on

pivot means in said slide-out for pivoting between a first alignment aligned fore-and-aft along the camper so that user sitting in said chair faces fore or aft and a second alignment angularly pivoted by an angular displacement from said first alignment, at least one chair including means for selectively translating in a translation direction said chair from a rearward position wherein a back surface of said chair is closely adjacent a wall of said slide-out, and a forward position wherein said back surface of said chair has a clearance between it and said wall of said slide-out so that said chair may be pivoted between said first and second alignments without said back surface of said chair contacting said wall of said slide-out, as disclosed by Shea (2004/0160074) and Goodrich (4,834,452), to provide means for selectively translating in a translation direction the chair from a rearward position wherein a back surface of the chair is closely adjacent a wall of the slide-out, and a forward position wherein the back surface of the chair has a clearance between it and the wall of the slide-out so that the chair may be pivoted between the first and second alignments without the back surface of the chair contacting the wall of the slide-out.

3. Claim(s) 2-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (2004/0066060) in view of Shea (2004/0160074) and Goodrich (4,834,452).

Regarding Claim(s) 2-18, Rasmussen (2004/0066060) discloses the invention as claimed.

However, Rasmussen (2004/0066060) does not disclose a reclinable chair with angular displacement is generally 45 degrees; means for translating; pivotal means; first and second slide members; and a selectively releasable latch.

Goodrich (4,834,452) discloses a reclinable 30 chair with angular displacement is generally 45 degrees; means for translating Fig 3-10; pivotal means Fig 3-10; first and second slide members Fig 3-10; and a selectively releasable latch Fig 3-10.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Rasmussen (2004/0066060), to include a reclinable chair with angular displacement is generally 45 degrees; means for translating; pivotal means; first and second slide members; and a selectively releasable latch, as disclosed by Goodrich (4,834,452) to provide means for selectively translating in a translation direction the chair

from a rearward position wherein a back surface of the chair is closely adjacent a wall of the slide-out, and a forward position wherein the back surface of the chair has a clearance between it and the wall of the slide-out so that the chair may be pivoted between the first and second alignments without the back surface of the chair contacting the wall of the slide-out.

Conclusion

4. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.
  
5. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Kiran B. Patel, P. E.

Primary Examiner

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May 4, 2005